

Historic Resources Commission Meeting Minutes of July 13, 2011

Members Present: J. Ray Elingburg, Brian Cook, Aaron Wilson, Nan Chase, Joe Carney, Brendan Ross, Ashley Black, John Dean, David Nutter, Capi Wampler, Jonathan Lucas, Hillary Cole

Members Absent: None

Staff: Stacy Merten, Jannice Ashley, Jennifer Blevins

Public: Bryan Moffitt, Alan McGuinn, Terry Latanich, Jody Kuhne, David Patterson, Karen Kellow

Call to Order: Chair Cole calls the meeting to order at 4:00 p.m. with a quorum present.

Adoption of Minutes: Commissioner Wampler moves to adopt the June 8, 2011 minutes as written.
Second by: Commissioner Nutter
Vote for: All

Consent Agenda:

None

Public Hearings:

Old Business

Agenda Item

Owner/Applicant: David & Teresa Gance/Jeremy McCowan
Subject Property: 262 Cumberland Ave.

This item was withdrawn at the request of the applicant.

New Business

Agenda Item

Owner/Applicant: Terry and Christine Latanich
Subject Property: 132 Sondley Parkway
Hearing Date: July 13, 2011
Historic Designation: Local Historic Landmark
PIN: 9669-09-0762
Zoning District: RS-2
Other Permits: Building

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| Staff Comments | <p>Ms. Merten shows slides of the subject property and reviews the following staff report.</p> <p>Property Description: This is the Foster Sondley House, known as “Finis Viae” designed by Richard Sharp Smith and built in 1902. It is a very unusual blend of Classic Revival, Arts & Crafts, Tudoresque and vernacular architectural elements. It is significant for its association with Foster Sondley who was an Asheville historian who left his extensive library collection to the City of Asheville which</p> |
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| | <p>became part of the Pack Library Collection.</p> <p>Certificate of Appropriateness Request: The application is to remove a low stone wall that surrounds the first floor front porch and replace it with a wood railing consistent with the original architectural drawings of Richard Sharp Smith. All permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <p>The Secretary of Interior Standards for Rehabilitation, Entrances & Porches were used to evaluate this request.</p> <p>The Secretary of Interior Standards recommends that when designing and constructing a new entrance or porch where the historic entrance or porch is missing that it should be based on historical, pictorial and physical documentation.</p> <p>Staff Recommendation: Staff recommends approval of this request.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none"> 1. The historic, pictorial and physical documentation suggest that this was the lower tier of the front porch was originally designed and built with wood railings. |
| Applicant(s) | <p>Terry Latanich is available for questions. He displays the original Smith architectural drawings from 1906, which show the railings on both the upper and lower porches and close up photographs of the rock wall adjoining the house. In response to questions from Commissioners, he states that he will construct the railings from Douglas fir and will retain the rocks for other repairs on the property as needed. He met with representatives from the Building Safety Department and they will be able to approve the railing design, but may require the m to be 36” in height.</p> |

Public Comment

| Speaker Name | Issue(s) |
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| None | |

Commission Comments/Discussion

Ms. Merten states that there is flexibility in the building code for historic properties and that she will work with the code officials if necessary so that the railings can be built to match the original as closely as possible. Commissioner Lucas asks if the upper railings will also be replaced. Mr. Latanich replies that they were removed to accomplish the column repairs and he would like to replace them with new railings because they are deteriorating, but they could be put back in place if required. After discussion, the Commissioners agreed that the existing railings were not original and new railings constructed of Douglas fir and painted would be most appropriate and would last the longest.

Commission Action

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – description of project; Exhibit B – March 2011 photos of Sondley House (3 photos); Exhibit C - original R.S. Smith drawings of Sondley House; Exhibit E - watercolor of Sondley House and close up (2 pages); Exhibit F - late 1930’s photo; Exhibit G - screened porch and rock wall photo; Exhibit F – (5)additional photos; Exhibit G – (2 pages) floor plans; Exhibit H: - aerial

photo; Exhibit I – 2 photographs showing the rock wall adjoining to the house; and the Commission’s actual inspection and review of subject property by all members except Commissioners Lucas and Chase;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 29th day of June, 2011, and that each owner of real property situated within two hundred feet of the subject property were notified of this hearing in the mail on the 29th day of June, 2011, as indicated by Exhibits J and K.
2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.
3. That the application is to remove a low stone wall that surrounds the first floor front porch and replace it with a wood railing consistent with the original architectural drawings of Richard Sharp Smith. Replace 2nd floor railing consistent with RS Smith drawings. New railings will be constructed of Douglas fir and painted to match the trim on the house. **All permits, variances, or approvals as required by law must be obtained before work may commence**
4. That the Secretary of Interior Standards for Rehabilitation, Entrances & Porches were used to evaluate this request.
5. That this application does meet the design guidelines for the following reasons:
 1. The historic, pictorial and physical documentation suggest that this was the lower tier of the front porch was originally designed and built with wood railings.
6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are compatible with the Local Historic Landmark

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Agenda Item

Owner/Applicant: Matthew Baldwin
Subject Property: 41 Elizabeth Place/formerly 41 Rankin Ave.
Hearing Date: July 13, 2011
Historic District: Montford

PIN: 9649-22-8871
Zoning District: RM-8
Other Permits: Building & Zoning

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| Staff Comments | <p>Ms. Merten shows slides of the property and reviews the following staff report.</p> <p>Property Description: Early 20th century plain 2-story shingle sided dwelling that has been covered with aluminum siding.</p> <p>Certificate of Appropriateness Request: Demolish and remove original/alterd deteriorated two tiered rear porch and reconstruct new double tiered porch per attached plans. New porch will be approximately 12' x 20' on 2nd level and 14' x 20' on lower level with stairs. Roof will be 5V crimp metal in (insert color)</p> <p>All permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <p>The guidelines for Porches, Entrances and Balconies, found on pages 70-72 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010, were used to evaluate this request.</p> <ol style="list-style-type: none"> 1. Drawing does not show 2nd tier railing on south end of porch. 2. Need to know color of metal roof. <p>Staff Recommendation: Staff recommends approval with concerns as noted.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none"> 1. The existing porch has been altered and its integrity has been compromised. 2. The existing porch is deteriorated and in need of repair. 3. The new porch is compatible with the existing structure. |
| Applicant(s) | Jody Kuhne is available for questions. He explains that the owner is out of town and that he will do his best to answer the Commission's questions. |

Public Comment

| Speaker Name | Issue(s) |
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| None | |

Commission Comments/Discussion

The Commissioners ask for more information on the depth of the porch, details on the proposed materials for the pilasters and roof color. Commissioner Lucas points out that the drawings submitted are not dimensioned. Ms. Merten states that they are not exactly to scale, but are close. Commissioner Cook asks about the condition of the porch roof and whether it can be repaired. There is a question about whether the porch is original to the house. Ms. Merten explains that the porch is original, but has been altered. Commissioner Dean notes that the new roof should be asphalt shingles unless there is evidence that it was originally metal. The Commissioners ask how the top of the columns will be treated and Mr. Kuhne replies that they will have copper or wood "off the shelf" pyramidal caps. The Commissioners advise him that they should be wood and also confirm that the pickets will be wood and that wooden steps will be constructed from the porch to the driveway. Mr. Kuhne states that the porch ceiling will probably not be enclosed. The Commissioners discuss the location and visibility from the Reed Creek Greenway and determine that the ceiling should be enclosed with beadboard.

The Commissioners are still concerned about the lack of detail on the application. Several agree that the missing information is minor enough to be reviewed and approved by staff if the project

is approved. They confirm with Mr. Kuhne that the porch will be 10' x 20' on the upper level and 14' x 20' below; it will be of all wood construction, with beadboard ceilings on both levels; the wood fascia will match that on the front porch; there will be one or two wood steps to the driveway; the roof material and color will match the house.

Commissioner Wampler states that the hearing has been much more difficult because the owner is not present. Ms. Merten asks if there is a desire to change the by-laws to require the property owners to attend. The Commissioners agree that it should not be required, but strongly suggested at the time of application.

Commission Action

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – sheet of 7 photographs; Exhibit B – site plan of existing and proposed conditions; Exhibit C – addition drawings; and the Commission's actual inspection and review of subject property by all members except;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 29th day of June, 2011, and that each owner of real property situated within two hundred feet of the subject property were notified of this hearing in the mail on the 29th day of June, 2011, as indicated by Exhibits D and E.
2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.
3. That the application is to demolish and remove original/alterd deteriorated two tiered rear porch and reconstruct new double tiered porch per attached plans. New porch will be approximately 10' x 20' on 2nd level and 14' x 20' on lower level with stairs. Roof will be asphalt shingles; color to match existing house. **All permits, variances, or approvals as required by law must be obtained before work may commence**
4. That the three guidelines for Porches, Entrances and Balconies, found on pages 70-72 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010, were used to evaluate this request.
5. That this application does meet the design guidelines for the following reasons:
 1. The existing porch has been altered and its integrity has been compromised.
 2. The existing porch is deteriorated and is in need of repair.
 3. The new porch is compatible with the existing structure.
 4. The porch will be visible from the Reed Creek Greenway.
6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are compatible with the historic aspects and character of the Montford Historic District.

Motion by: Commissioner Nutter

Second by: Commissioner Wilson

Vote for: All

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

With the following conditions: (if applicable)

- 1. Specifications for wood caps will be submitted to staff for review.**
- 2. The fascia and ceiling will match the front porch, construction will be of pressure treated and painted wood, steps will be constructed to driveway and pilasters will be concrete covered with stucco. Revised drawings reflecting these conditions will be submitted to staff for review.**

Motion by: Commissioner Nutter

Second by: Commissioner Wilson

Vote for: All

Agenda Item

Owner/Applicant: 26 All Souls Crescent LLC/Bryan Moffitt
Subject Property: 26 All Souls Crescent
Hearing Date: July 13, 2011
Historic District: Biltmore Village
PIN: 9647-69-3470
Zoning District: HB
Other Permits : Building & Zoning

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| Staff Comments | <p>Ms. Merten shows slides of the property and reviews the following staff report.</p> <p>Property Description: Vacant lot with building currently under construction for use as Ruth's Chris Steakhouse.</p> <p>Certificate of Appropriateness Request: Amend previously issued CA# 09-40000002 for changes to the following items:</p> <ol style="list-style-type: none">1. North elevation - eliminate flared eaves on hipped roof2. South & east elevations - add miratec trim band around exterior3. Modify three gable dormers to the right of the porte cochere and create 1 shed dormer and a small porch with two gable dormers connected by shed roof4. East elevation - add recessed porch5. Revise windows on all elevations from 3 over 1 to 6 over 1 configuration6. Amend site plan showing changes to location and configuration of retaining wall, location, number and location of parking spaces adjacent to retaining wall, location of water vault and location of transformer <p>Application to Amend CA MJW 09-40000002 to construct new restaurant with adjacent on-site parking per attached approved plans revised (date, 2011). New structure will be 13,373 sq. ft., 2 story, 30 feet high, with a dining porch on the street and a north side entrance porte cochere. Foundation will be concrete slab and brick below the water table. Main body of structure will be pebbledash with</p> |
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| | <p>8" smooth sided miratec half timbering. Other details include 8" half timbering, miratec cornices, brackets, lintels, moldings, 9" corner boards and 9" window and door surrounds. Roof will be flat in rear with front and side gable, front hip, flat soffit and exposed rafter ends in some locations. Roof material is Victorian Red asphalt shingle. Windows & Doors will be bronze aluminum clad. Pebbledash color will be BM-Abalone 2108-60 and trim will be BM- Black Ink 2127-20. Retaining wall will be 27' 2" high and constructed of (insert wall construction) with pebbledash stucco. Wall is tallest at cross section B-B, then drops to lowest point and is slightly convex for rest of the length. Wall will be screened with lattice and creeping euonymus. Flexible development approved to allow structure to be within 15' of the front property line. Dumpster screening will be concrete block w/ pebble dash stucco on outside; and wood gates. Sidewalk will be "Phoenix" in running bond pattern. Street trees will be Tulip Poplar. All necessary permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements: The Guidelines for New Construction in Contemporary Styles found on pages 13-15 in Chapter 4, Book 3 <i>Biltmore Village Historic District Design Guidelines for New Construction and Additions</i> and Guidelines for Site Design found on pages 23-26, Chapter 5, in Book 1, <i>Biltmore Village General Design Guidelines and Policies</i> adopted on October 1, 1988, were used to evaluate this request.</p> <ol style="list-style-type: none"> 1. It does not appear that all window revisions are shown correctly on all elevations. 2. Revise list of revisions to correctly list all revisions including south elevation modifications, doors on north elevation, modification of half timbering details on 2nd story, and size of miratec trim (Also please refer to elevations as indicated on drawings vs. street side) Suggest that you organize changes by each elevation. 3. Include before and after elevations for comparison purposes. 4. Configuration of retaining wall is abrupt and not in keeping with the historic character of Biltmore Village. 5. Explain revisions to wall construction and elimination of raised planting area. 6. Please update the commission on parking agreements eliminating the need for the HRC to apply the flexible development standards. <p>Staff Recommendation: Staff recommends the HRC discuss the application and provide the applicant feedback for revisions as necessary.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none"> 1. The proposed changes are compatible with the character of the Building Village. |
| Applicant(s) | <p>Bryan Moffitt displayed a copy of proposed changes to the approved plan and handed it to the Commissioners to pass among them. He reviewed each of the requested changes to the building elevations and the retaining wall. He explained that after the project began, the surveyor and geotechnical engineer discovered that the embankment had eroded since the project planning so the wall had to be redesigned.</p> |

Public Comment

| Speaker Name | Issue(s) |
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| None | |

Commission Comments/Discussion

Jannice Ashley advises the Commissioners that an amendment to an existing Certificate of Appropriateness requires a super majority which would be nine of the twelve members present.

Commissioner Lucas feels that the application is not ready. Ms. Merten refers to her concerns and suggests that it should be treated as a preliminary review unless all of the issues are resolved during the hearing.

The Commissioners ask questions about the wall design, vegetative screening and stormwater runoff. They suggest trying to soften the transition between the higher and lower sections of the wall. They also suggest that a darker color of pebbledash, still within the Biltmore Village color palette might help the appearance. The Commissioners feel that the changes to the building are appropriate and can be approved, but that there is not enough information provided on the wall changes to make a decision. They request a revised streetscape and the addition of some evergreen trees in front of the wall, planted in an irregular manner. They ask Mr. Moffitt to do whatever is possible to mitigate the abruptness of the drop from high to low portions of wall and prepare new scaled drawings and renderings for further review.

Mr. Moffitt asks to amend his application to include only the changes to the building and requests that the site changes be continued until the August 10, 2011 meeting.

Commission Action

Commissioner Wilson makes a motion to continue the site plan change request to the August 10, 2011 meeting.

Second by: Commissioner Carney

Vote for: All

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – description of revisions; Exhibit B – corrected flexible development application; Exhibit C – revised new construction checklist; Exhibit D – revised floor plan (2 pages); Exhibit E – revised elevations; Exhibit F – revised renderings (7 pages); Exhibit G – revised site plan; Exhibit H – revised streetscape; Exhibit I – packet of revised drawings dated 7/13/11; and the Commission’s actual inspection and review of subject property by all members;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 29th day of June, 2011, and that each owner of real property situated within two hundred feet of the subject property were notified of this hearing in the mail on the 29th day of June, 2011, as indicated by Exhibits J and K.
2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.
3. That the application is to **amend CA MJW 09-40000002** to construct new restaurant with adjacent on-site parking per attached approved plans revised (**July 13, 2011**). Changes to include the

following:

- ? All windows have been revised from a 3/1 sash pattern to a 6/1 sash pattern

Elevation 1B

- ? Flared eaves on hipped roof have been eliminated and are changed to a straight eave
- ? 9" Trim band around exterior has been added
- ? 8" half-timbering has been added

Elevation 3B

- ? Window locations have been moved
- ? Door has been removed

Elevation 1D

- ? Flared eaves on hipped roof have been eliminated and are changed to a straight eave
- ? 9" trim band around exterior has been added
- ? 8" half-timbering has been added
- ? Window locations have moved
- ? Covered deck has been added
- ? Door has been added

Elevation 6D

- ? 9" trim band around exterior has been added
- ? The three gable dormers to the right of the porte cochere have been revised into 1 shed roof and 2 dormers with a shared covered deck
- ? Door has been added

Elevation 6F

- ? 9" trim band around exterior has been added
- ? 8" half-timbering has been added

4. That the Guidelines for New Construction in Contemporary Styles found on pages 13-15 in Chapter 4, Book 3 *Biltmore Village Historic District Design Guidelines for New Construction and Additions* and Guidelines for Site Design found on pages 23-26, Chapter 5, in Book 1, *Biltmore Village General Design Guidelines and Policies* adopted on October 1, 1988, were used to evaluate this request.

5. That this application does meet the design guidelines for the following reasons:

1. The proposed changes are compatible with the character of the Biltmore Village.

6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are compatible with the historic aspects and character of the Biltmore Village Historic District

Motion by: Commissioner Wilson

Second by: Commissioner Carney

Vote for: All

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

Motion by: Commissioner Wilson

Second by: Commissioner Lucas

Vote for: All

Other Business:

Ms. Merten announces that there will be no presentation on the Eagle Market Place Section 106 review tonight.

43 Pearson Drive vinyl fence discussion

Ms. Merten reviews the discussion and decision made by the Commissioners at the June meeting for the benefit of those who were not present. She states that she has pursued some of the suggested options for replacement of the fence with no success as yet. She states that the community is upset over the length of time the Commission granted for resolution and removal of the fence. She and Commissioner Carney met with the property owner who would like feedback from the Commissioners on whether a wooden picket fence would be acceptable as a replacement for the vinyl fence. Several Commissioners feel that it would not be appropriate because fences in front yards were not traditional, but no consensus is reached.

Karen Kellow, member of the Montford Neighborhood Association Board, states that she is expected to make a report at the next meeting of the Association on the results of this discussion. She states that the neighborhood residents feel the Commission granted an excessive amount of time to resolve the violation and that the Commission is giving the property owner special treatment. She is also concerned that a replacement fence could not be erected in January because the ground will be frozen. She asks why the Commissioners continued the hearing for such a long period of time and several responded that they felt sympathy for the property owner, Marion Sitton, because she testified that it took her three years to save the money to purchase the vinyl fence. Ms. Kellow states that she feels the Commissioners are setting a bad precedent and not enforcing the guidelines. She asks them to reduce the time given for correction of the violation.

Commissioner Lucas states that in the past the HRC had a reputation for being harsh and perhaps went too far in the other direction in this case. Commissioner Elingburg states that he is comfortable with his vote for the continuance and that the Commissioners felt the time was needed to explore options to assist the owner. Several other Commissioners agree.

Commissioner Wampler states there was no public comment at the hearing and that the Commission would certainly have welcomed it.

David Patterson, president of the Montford Neighborhood Association, asks the Commissioners to enforce the guidelines. He states that it is hard to believe Ms. Sitton was unaware of the guidelines. He raises the issue of other violations that were dealt with harshly, including one case in which the owner was fined eight thousand dollars.

Ms. Merten clarifies the decision on the time frame, stating that the Commissioners hoped to have the issue resolved well before January, but decided on that as an outside time limit for resolution because they realized it could take some time to find a solution. She also relates her perception of the owner's knowledge of the guidelines – not that she didn't know they exist, just that she was confused about what items require a Certificate of Appropriateness. Clarifying the case Mr. Patterson referred to, she states that the fine was reduced significantly and that the violation was for tree removal, which is an irreversible condition, unlike a fence. She also notes that the owner had the opportunity of going before the Commission to request a Certificate of Appropriateness, but chose not to do so.

Jannice Ashley, attorney to the Commission, advised them that it would not be appropriate to change a decision made during a public hearing without the owner's knowledge or proper

notification to the public. Commissioner Wampler asks if the hearing could be reopened for further discussion and public comment. Ms. Ashley advised that they could vote to reopen the hearing if they chose.

Commissioner Wampler made a motion to reopen the hearing at the next meeting, on August 10, 2011.

Second by: Commissioner Chase

Vote for: Chair Cole, Commissioners Elingburg, Cook, Wilson, Ross, Carney, Dean, Nutter, and Wampler

Vote against: Commissioner Chase

Abstain: Commissioner Lucas

Commissioner Wampler moves to adjourn the meeting.

Second by: Commissioner Dean

Vote for: All

The meeting is adjourned at 7:40 p.m.